

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE ELEVENTH DAY OF OCTOBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE J.CHELAMESWAR

and

THE HON'BLE MR JUSTICE GODA RAGHURAM

WRIT PETITION NO : 16292 of 2004

Between:

- 1 Sr. Superintendent of Post Offices, Prakasam Divisiona, Ongole.
- 2 Post Master General, Vijayawada Region, Vijayawada.
- 3 Secretary, Department of Posts, New Delhi.

..... PETITIONERS

AND

Sri P.V. Ravi Kumar, S/o. Pavani Laxmi Narasimham,
BPM of Mutyalapadu BO in a/w Peddapavani, S.O.,

Prakasam Division, Ongole,
Prakasam District.

.....RESPONDENT

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a writ of certiorari (or) any other appropriate, writ, order of direction, calling for records pertaining to O.A.No.845/2001 dated 28-4-2004 on the file of Hon'ble Central Administrative Tribunal, Hyderabad Bench, Hyderabad and quash the same as illegal, arbitrary, contrary to law and unconstitutional and declare the same as void abinito, null and void and nonest in the eye of law.

Counsel for the Petitioners: MR.ARAJASHEKAR REDDY

S.C. for Central Government

Counsel for the Respondent: -----

The Court at the stage of admission made the following

ORDER (per the Hon'ble Sri Justice Goda Raghuram):

Aggrieved by the order of the Central Administrative Tribunal, Hyderabad Bench, dated 28-04-2004, insofar as directing the petitioners to extend the grace period of the number of days by which the respondent herein fell short of three years of provisional service and to place the respondents now at the appropriate position in the wait list of candidates whose cases are to be considered on priority for future vacancies, the Writ Petition is filed.

The respondent herein filed O.A. challenging a notification inviting applications from eligible O.B.C. candidates for selection to the post of Extra Departmental Branch Post Master (for short 'EDBPM') of Mutyalapadu Branch Office, dated 29-05-2001 prescribing only 21 days as last date for receipt of applications. The respondent challenged this notification on the ground that the period of above 21 days for receipt of applications fell short of the 30 days prescribed, in view of the instructions in this regard issued by the Director General, P & T in the letter dated 04-09-1982 read with another letter dated 19-08-1999 permitting 30 days for nomination of suitable candidates for the post from the date of sending requisitions to the Employment Exchange for nomination of such candidates.

In the counter affidavit filed on behalf of the writ petitioners in the O.A., it was categorically admitted that the shorter period for receipt of applications was consciously done with a view to ensure that the applicant-respondent herein did not complete 3 years of service and to ensure that the newly selected regular candidate joined before that date. It requires to be noted that the respondent was working on a

provisional basis in the post invited by the notification dated 29-05-2001 and would have completed three years provisional service had the 30 days time prescribed were given as was normally a case for receipt of applications. It is also admitted clearly that after the completion of three years provisional service the respondent would have been entitled to be included in the wait list of candidates maintained for the purpose of priority in filling up future vacancies either on provisional or a regular basis.

In view of the admission in the counter affidavit, the Tribunal rightly arrived at the conclusion that a shorter period was fixed consciously, deliberately and mala fide for depriving the respondent of his legitimate expectations.

We find no error either in the application of law or exercise of discretion by the Tribunal, warranting interference with the revision.

The Writ Petition is accordingly dismissed at the stage of admission. No costs.

J. CHELAMESWAR, J

GODA RAGHURAM, J

11th October, 2004.

Isn/mrk

To

- 1 Sr. Superintendent of Post Offices, Prakasam Divisiona, Ongole.
- 2 Post Master General, Vijayawada Region, Vijayawada.
- 3 Secretary, Department of Posts, New Delhi.
4. The Registrar, Central Administrative Tribunal, Hyderabad Bench at Hyderabad.
5. Two CD copies.

